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Attorneys for Defendant JPMorgan Chase Bank, N.A.

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MERRILL LYNCH BUSINESS FINANCIAL  
SERVICES, INC.,

Plaintiff,

v.

ARTHUR KUPPERMAN, E. ROSS  
BROWNE, PAULETTE KRELMAN, PGB  
INTERNATIONAL, LLC, and JPMORGAN  
CHASE BANK, N.A.,

Defendants,

and

IFIG USA, INC., JOHN DOES (1-10) and ABC  
CORPORATIONS (1-10),

Additionally Defendants  
on the Crossclaim.

CIVIL ACTION

Civil Action No. 06-4802 (DMC)

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT ON CHASE'S  
CROSSCLAIM AGAINST ARTHUR  
KUPPERMAN**

**Hearing Date: November 2, 2009 at 10:00  
a.m.**

**TO:** All persons on the attached service list.

**PLEASE TAKE NOTICE** that on November 2, 2009 at 10:00 am, or as soon thereafter as counsel may be heard, defendant JPMorgan Chase Bank, N.A. ("Chase"), by and through its attorneys, Herrick, Feinstein LLP, shall move before the Honorable Dennis M. Cavanaugh, U.S.D.J., at the United States District Court, 451 U.S. Post Office Courthouse Building, Federal Square, Newark, New Jersey, for the entry of an Order (i) granting summary

judgment to Chase on the Third Count of its Amended Crossclaim against Arthur Kupperman (“Kupperman”) for all sums due and owing from PGB to Chase, together with post-judgment interest until the date such judgment is satisfied, costs to be taxed, and attorneys’ fees in an amount to be subsequently determined by the Court; (ii) granting summary judgment to Chase on the Tenth and Eleventh Counts of the Amended Crossclaim against Kupperman for treble damages, together with post-judgment interest until the date such judgment is satisfied, costs to be taxed and attorneys’ fees, pursuant to the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. § 1961, et seq. and the New Jersey Racketeering Act (“NJ RICO”), N.J.S.A. § 2C:41-1, et seq.; and (iii) certifying the judgment as final pursuant to Federal Rule of Civil Procedure 54(b).

**PLEASE TAKE FURTHER NOTICE** that in support of its motion, Chase shall rely upon the accompanying Memorandum of Law, Statement of Uncontested Material Facts and Declarations of Wayne E. Olson and John M. August. A proposed form of Order is attached.

**PLEASE TAKE FURTHER NOTICE** that Chase respectfully requests oral argument if this motion is opposed.

HERRICK, FEINSTEIN LLP  
Attorneys for JPMorgan Chase Bank, N.A.

By: /s/ John M. August  
John M. August

Dated: September 30, 2009

**SERVICE LIST**

Randall M. Lending, Esq., *Attorney for plaintiff Merrill Lynch Commercial Finance Corp.*

A. Michael Covino, Esq., *Attorney for defendants PGB International LLC and Arthur Kupperman*

John P. Gleason, Esq., *Attorney for Interested Party Empress Lourdes, S.A.*

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